

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

INDIAN HARBOR INSURANCE  
COMPANY,

Plaintiff/Counterclaim Defendant,

v.

CLIFFORD ZUCKER, in his capacity as  
Liquidation Trustee for the Liquidation Trust  
of Capitol Bancorp Ltd. and Financial  
Commerce Corporation,

Defendant/Counterclaim Plaintiff

and

JOSEPH D. REID, CRISTIN K. REID, and  
BRIAN K. ENGLISH,

Defendants.

Civil Action No.: 1:14-cv-01017

Hon. Janet T. Neff

**DECLARATION OF BILL STANFORD IN SUPPORT OF  
INDIAN HARBOR INSURANCE COMPANY'S MOTION FOR  
SUMMARY JUDGMENT ON COUNTS I AND II OF ITS COMPLAINT  
AND ON THE COUNTERCLAIM FILED BY THE LIQUIDATION TRUSTEE**

I, Bill Stanford, am Senior Claims Counsel at XL Insurance America, Inc. I am the person responsible for handling the claim that is the subject of this litigation on behalf of the plaintiff and counterclaim defendant Indian Harbor Insurance Company (“Indian Harbor”). I am over twenty-one years of age and am fully competent to make this declaration. On personal knowledge and pursuant to 28 U.S.C. § 1746, I declare as follows:


1. I have reviewed the underwriting files relating to the directors’ and officers’ (“D&O”) liability insurance policies issued by Indian Harbor to Capitol Bancorp, Ltd. (“Capitol Bancorp”).

2. Attached as Exhibit 1 is a true and correct copy of Management Liability and Company Reimbursement Insurance Policy No. ELU 118596-10 issued to Capitol Bancorp for the claims made policy period September 9, 2010 to September 9, 2011 but not including the Application materials (the “2010 Policy”). The 2010 Policy consists of the Declarations Page, the coverage form, the Policyholder Disclosure Concerning Terrorism Insurance Coverage, the In Witness Clause, the Notices concerning the Office of Foreign Assets Control and Fraud, and Endorsement Nos. 1-20.

3. Attached as Exhibit 2 is a true and correct copy of Management Liability and Company Reimbursement Insurance Policy No. ELU 122778-11 issued to Capitol Bancorp for the claims made policy period September 9, 2011 to September 9, 2012, and subsequently extended to September 9, 2014 (the “2011 Policy”), but not including the Application materials. The 2011 Policy consists of the Declarations Page, the coverage form, the Policyholder Disclosure Concerning Terrorism Insurance Coverage, the In Witness Clause, the Notices concerning the Office of Foreign Assets Control and Fraud, the Privacy Policy, and Endorsement Nos. 1-39.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 14, 2015

  
Bill Stanford